

February 11, 2002

Exemption No. 4371H  
Regulatory Docket No. FAA-2000-8093

Colonel David A. Sarver  
Director of Operations  
Headquarters Air Force Flight Standards Agency  
1535 Command Drive, Suite D-309  
Andrews Air Force Base, MD 20762-7002

Dear Colonel Sarver:

This is in response to your November 15, 2002, letter petitioning the Federal Aviation Administration (FAA) on behalf of the Department of the Air Force (Air Force) for an extension of Exemption No. 4371, as amended. That exemption from §§ 91.177(a)(2) and 91.179(b)(1) of Title 14, Code of Federal Regulations (14 CFR) permits the Air Force to conduct low-level operations without complying with en route minimum altitudes for flight under instrument flight rules (IFR) or direction of flight requirements for IFR en route segments in uncontrolled airspace.

The FAA notes that Condition No. 8 is no longer valid because the United States Department of the Army was issued Exemption No. 7631 which provides relief from §§ 91.177(a)(2) and 91.179(b)(1).

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the Air Force.

The FAA has determined that the justification for the issuance of Exemption No. 4371, as amended, remains valid with respect to this exemption.

ATA-03-085

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. § 40109, delegated to me by the Administrator, Exemption No. 4371, as amended, is hereby further amended by extending its July 31, 2003, termination date to July 31, 2005, unless sooner superseded or rescinded.

This letter shall be attached to, and is a part of, Exemption No. 4371. The conditions and limitations are listed below for clarity:

1. Operations under this exemption must be conducted at an altitude of at least 250 feet (with Terrain Following/Terrain Avoidance Radar Systems (TF/TA)) above the highest obstacle along the route of flight or 500 feet (without TF/TA) above the highest obstacle within 3 nm of the course to be flown over mountainous and other areas. Rotary-wing aircraft may operate at an altitude of at least 100 feet (with TF/TA) above the highest obstacle along the route of flight.
2. Operations under this exemption must be conducted under the procedural requirements of a letter of agreement (LOA) between the Wing originating the route and the air traffic control facility with jurisdiction over the airspace of the route segment for which this exemption is exercised.
3. Operations in Class G airspace may be conducted only if procedures have been established in an LOA that include the § 91.126(d), "Communications with Control Towers," requirements.
4. The LOA must include at least the following information:
  - (a) The route definition in geographical coordinates and the maximum route width;
  - (b) The route alignment that avoids Class B airspace;
  - (c) The route alignment that minimizes disturbance to persons and property on the ground;
  - (d) Provisions for military aircraft to flight check approved routes to ensure compliance with all provisions;
  - (e) The maximum altitudes for all route segments;
  - (f) Radar flight following or position reporting procedures, as applicable;
  - (g) Provisions for lost communications procedures; and
  - (h) The procedures whereby aircraft that are unable to continue the mission under the authority of this exemption are able to comply with the route and altitude requirements of part 91.

5. Operations may not be conducted under the authority of this exemption until a Notice to Airmen (NOTAM) concerning the exempted activity has been in effect at least 6 hours. The NOTAM must be issued regardless of the actual or forecast weather conditions along the route segment for which this exemption is exercised. The NOTAM must include at least the following information:
  - (a) The name of the city or town nearest the route segment, and the State;
  - (b) The date and time period of the planned activity;
  - (c) The number and type of aircraft expected on the route;
  - (d) The ingress and egress points of the route segment expressed in fix/radial/distance from a very high frequency omnidirectional range; and
  - (e) The altitudes at which the aircraft will be flown.
6. The maximum route length authorized under this exemption is 40 nm.
7. Any environmental assessments associated with operations conducted under this exemption are the responsibility of the Air Force.

Please note the FAA has assigned a new docket number to this project (Docket No. FAA-2000-8093; previously Docket No. 24237). In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at <http://dms.dot.gov>. This new system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through this system.

Sincerely,

/s/  
Sabra W. Kaulia  
Program Director, Air Traffic  
Airspace Management